

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MICHAEL H. DOLINGER

Unless otherwise ordered by Magistrate Judge Michael H. Dolinger, matters before him shall be conducted in accordance with the following practices. These practices are applicable to cases before Magistrate Judge Michael H. Dolinger if the matter is within the scope of the District Judge's Order of Reference or if the case is before Magistrate Judge Michael H. Dolinger pursuant to the parties' consent under 28 U.S.C. § 636(c). Otherwise, the practices of the District Judge to whom the case is assigned apply.

1. Communication with Chambers

- a. **Letters.** Copies of letters to chambers shall simultaneously be delivered to all counsel. Copies of correspondence between counsel shall not be sent to the court. The preferred method for receiving letters is via facsimile, in accordance with paragraph 1(c) below. **Letters that are filed with the court via ECF should also be sent to chambers via facsimile.**
- b. **Telephone Calls.** Telephone calls to chambers are permitted. The phone number is (212) 805-0204.
- c. **Faxes.** Faxes to chambers are permitted only if copies are simultaneously faxed or delivered to all counsel. No document longer than ten (10) pages may be faxed without prior authorization. Do not follow faxes with hard copy. The fax number is (212) 805-7928.
- d. **Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must state (1) the original deadline, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency, it shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

- a. **Pre-Motion Conferences in Civil Cases.** For discovery motions, follow Southern District Local Rule 37.2. For motions other than discovery motions, pre-motion conferences are not required.
- b. **Courtesy Copies.** Paper courtesy copies of all motion papers, marked as such, should be submitted to chambers at the time of filing.
- c. **Filing of Motion Papers.** Motion papers shall be filed promptly after service.
- d. **Oral Argument on Motions.** Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

3. Social Security Cases

- a. **Courtesy Copies of the Administrative Record.** Paper courtesy copies of the administrative record should be promptly submitted to chambers by the defendant in all Social Security cases.

4. Habeas Corpus Cases

- a. **Courtesy Copies of the Trial Record.** Paper courtesy copies of the trial record, including the trial transcript, should be promptly submitted to chambers by the defendant in all *habeas corpus* cases.

5. Pretrial Procedures

- a. **Joint Pretrial Orders in Civil Cases.** Unless otherwise ordered by the court, within 30 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order which shall include the following:
 - i. The full caption of the action.
 - ii. The names, addresses (including firm names, and telephone and fax numbers) of trial counsel.

- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement by each party as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity and two stars indicating exhibits to which no party objects on any ground.

b. Filings Prior to Trial in a Civil Case. Unless otherwise ordered by the court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. In jury cases, requests to charge and proposed voir dire questions.

- ii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;
 - iii. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and
 - iv. In any case where such party believes it would be useful, a pretrial memorandum.
- c. **Marking Exhibits for Trial in a Civil Case.** At the commencement of trial, each party is to provide a courtesy copy of its trial exhibits to each of the other parties and to the court. Plaintiffs' exhibits should be labeled by number. Defendants' exhibits should be labeled by letter. Exhibit pages should be individually labeled with Bates numbers.